

1619 U.S. PTO  
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NUMBER	EL 831792434 US
DATE OF DEPOSIT	OCTOBER 29, 2003
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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Atty. Dkt. No.: 13096.0020.DVUS02**

**Prior Application Examiner:**  
**Lucas, Zacharia**

**MS PATENT APPLICATION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Classification Designation:**  
**435-005000**

**Prior Group Art Unit: 1648**

**REQUEST FOR FILING DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b))  
of co-pending prior application Serial No. 09/850,022 filed May 7, 2001, entitled "IMPROVED  
SPECIFICITY IN THE DETECTION OF ANTI-RUBELLA IgM."

1. Enclosed is a 22 page Specification (including 14 claims and an abstract) and a  
true copy of the original declaration (as filed in the Application Ser. No.  
09/850,022).

(a)  The inventorship is the same as prior Application Serial No.  
09/850,022.

(b)  Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c)  Priority under 35 U.S.C. §119 is hereby claimed to the following:  
Any necessary certified copies:  
 is enclosed.  
 were filed in the prior Application, Serial No.

2. The Commissioner is requested to grant Applicant a filing date in accordance with Rule 1.53, and supply Applicant with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f), if required.

3. Enclosed is a check in the amount of \_\_\_\_\_ to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION  
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$385.00
Total Claims	14 - 20 = 0	X	\$9.00 =	0.00
Independent Claims	1 - 3 = 0	X	\$43.00 =	0.00
Multiple Dependent Claim(s) -----				\$-0-

FOR	NUMBER FILED	TOTAL FILING FEES: NUMBER EXTRA	RATE	\$385.00 FEE

- 4. Applicant is entitled to Small Entity Status for this application.
  - (a) A small entity statement is enclosed.
  - (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
  - (c) Small entity status is no longer claimed.
- 5. The Commissioner is authorized to charge the fee of **\$385.00** to Deposit Account No. 01-2508/13096.0020.DVUS02 for the required filing fees. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/**13096.0020.DVUS02**.
- 6. Enclosed is a copy of the current Power of Attorney in the prior application.
- 7. Address all future communications to:

Matthew L. Madsen  
HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Drive  
Houston, Texas 77057-2198  
(713) 787-1400
- 8. The prior application is presently assigned to VIRAL ANTIGENTS, INC.
- 9. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 3 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.
- 10. Cancel in this application claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained).

11. Amend the specification by inserting before the first line the sentence: --This is a continuation of co-pending application Serial No. filed --.

12. Enclosed are formal drawings.

13. An Information Disclosure Statement (IDS) is enclosed.  
 (a) PTO-1449.  
 (b) Copies of IDS citations.

14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. filed , for use in this application. **Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. filed . Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.**

15. Other: Preliminary Remarks.

16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,

*Matthew Madsen*

Matthew Madsen  
Reg. No. 45,594  
Patent Agent for Assignee  
VIRAL ANTIGENS, INC.

HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Drive  
Houston, Texas 77057-2198  
(713) 787-1400

Date: October 29, 2003